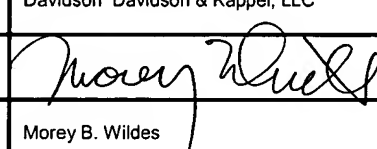
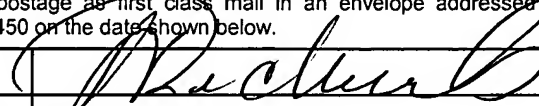
 (to be used for all correspondence after initial filing)	Application Number	10/657,657	
	Filing Date	September 8, 2003	
	First Named Inventor	Emil CIURCZAK, et al.	
	Art Unit	3736	
	Examiner Name	Eric F. Winakur	
Total Number of Pages in This Submission	19	Attorney Docket Number	206.1004US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Davidson Davidson & Kappel, LLC		
Signature			
Printed Name	Morey B. Wildes		
Date	February 10, 2005	Reg. No.	36,968

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Windy Richards	Date	February 10, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IFW

206.1004US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: Emil CIURCZAK, et al.
Serial No.: 10/657,657
Filed: September 8, 2003
For: **APPARATUS AND METHOD FOR NON-INVASIVE
MEASUREMENT OF BLOOD CONSTITUENTS**
Examiner: Eric F. Winakur (Art Unit 3736)

MAIL STOP: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

February 10, 2005

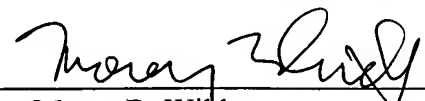
RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

S I R:

In a Notice of Non-Compliant Amendment dated January 24, 2005 from the U.S. Patent and Trademark Office with regard to the above-identified application, the USPTO advised that Applicants' Response to Office Action filed on January 10, 2005 was non-compliant because "Amended" is not a proper status identifier in the listing of claims. In response, Applicants herewith resubmit the "Amendments to the Claims" section of Applicants' Response to Office Action, wherein the proper status identifiers are provided.

Reconsideration of the present application, as amended, is requested.

Respectfully submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
Morey B. Wildes
Reg. No. 36,968

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